

(b) claims pleaded against additional defendants not listed in the Brand Long Form Master Complaint, which are set forth in paragraph 14 and the supporting facts for which are alleged in paragraph 14 or on an additional sheet attached to this Complaint.

Plaintiffs, by and through counsel, allege as follows:

I. DEFENDANTS

1. Plaintiffs name the following Defendants in this action [**check only those that apply**]:

☒ **GLAXOSMITHKLINE LLC**

☐ **NOVARTIS PHARMACEUTICALS CORPORATION (FOR CLAIMS ARISING FROM ZOFRAN® INGESTION ON OR AFTER MARCH 23, 2015)**

II. PLAINTIFFS

2. Plaintiffs are bringing these claims:

☒ **Individually and on behalf of the minor child; or**

☐ **On behalf of the minor child only**

due to injuries caused by prenatal exposure to brand Zofran®, as described in greater detail below.

3. Plaintiff, Meredith Allen, is the [**check all that apply**]:

☒ biological mother

☐ biological father

☐ legal guardian

☐ personal representative of the Estate

of minor child L.J., (initials only) and is an individual who is domiciled at 618 Citrus Wood Lane, Valrico, FL 33594.

4. Plaintiff, _____, is the **[check all that apply]**:

- ☐ biological mother
- ☐ biological father
- ☐ legal guardian
- ☐ personal representative of the Estate

of minor child L.J. , (initials only) and is an individual who is domiciled
at 618 Citrus Wood Lane, Valrico, FL 33594.

5. Minor child L.J. (initials only) was born in 2005 (year only) in Florida
(state of birth).

III. ZOFRAN® INGESTION

6. Mother of minor child ingested Zofran® during pregnancy with minor child
during the following trimester(s) **[check all that apply]**:

- ☒ 1ST TRIMESTER
- ☐ 2ND TRIMESTER
- ☐ 3RD TRIMESTER

IV. PRODUCT IDENTIFICATION

7. Plaintiffs allege use of the following form(s) of administration of Zofran®
[check all that apply]:

- ☒ ORAL TABLETS
- ☐ ORALLY DISINTEGRATING TABLET
- ☐ INJECTABLE OR I.V. SOLUTION
- ☐ ORAL SOLUTION
- ☐ OTHER: _____

8. Plaintiffs allege that Zofran® was ingested in the following state(s):

Florida

9. [Complete only for Complaints directly filed in the MDL Court.] Identify the U.S. federal district court and if applicable, the division, in which Plaintiff would have filed in the absence of an MDL: _____

V. PHYSICAL INJURY

10. Minor child alleges the following injury(ies) as a result of prenatal exposure to

Zofran® [specify all that apply]:

L.J. was diagnosed with an Atrial Septal Defect and Partial Anomalous Pulmonary Venous Return. L.J. will require future medical treatment and monitoring. L.J. is entitled to past and future economic and non-economic damages including, but not limited to, medical expenses, lost earnings and earning capacity, disfigurement, permanent injury, pain and suffering, loss of enjoyment of life and emotional distress.

11. Plaintiffs allege the following injury(ies) to themselves as a result of minor child's prenatal exposure to Zofran® [specify all that apply]:

Plaintiff Meredith Jones has been deprived of the society, love, affection, companionship, earnings, care and services of her child, L.J. and is entitled to recovery for said loss. Plaintiff has sustained severe emotional distress and suffering as a result of GSK's wrongful conduct and the injuries to her child. Plaintiff has suffered permanent harm including severe and continuing pain and suffering, mental anguish, and diminished enjoyment of life. L.J. suffers from birth defects that are severe and will require future medical monitoring and treatment. L.J. will require more future medical monitoring and treatment than if L.J. had not been exposed to Ondansetron. Plaintiff is entitled to the reasonable value of the Plaintiff's care or nursing care both in the past and in the future which is rendered by the Plaintiff or others to L.J. as a result of L.J.'s injuries. Plaintiff has suffered economic injury such as past and future expenses for medical care, nursing care, health, incidental and related expenses, and other economic and non-economic damages that are ongoing.

VI. CLAIMS/COUNTS

12. The following claims asserted in the Brand Master Long Form Complaint, and the allegations with regard thereto in the Brand Master Long Form Complaint, are adopted in this Short Form Complaint by reference:

Check if Applicable	Count Number	Claims
<input checked="" type="checkbox"/>	I	Negligence
<input checked="" type="checkbox"/>	II	Negligent Misrepresentation
<input checked="" type="checkbox"/>	III	Negligent Undertaking
<input checked="" type="checkbox"/>	IV	Negligence Per Se
<input checked="" type="checkbox"/>	V	Failure to Warn – Strict Liability
<input checked="" type="checkbox"/>	VI	Breach of Express Warranty
<input checked="" type="checkbox"/>	VII	Breach of Implied Warranties
<input checked="" type="checkbox"/>	VIII	Fraudulent Misrepresentation and Concealment
<input checked="" type="checkbox"/>	IX	Violations of Consumer Protection Laws <u>[Specify the laws allegedly violated:]</u>
<input type="checkbox"/>	X	Wrongful Death
<input type="checkbox"/>	XI	Survival Action
<input type="checkbox"/>	XII	Loss of Consortium
<input checked="" type="checkbox"/>	XIII	Punitive Damages
<input type="checkbox"/>	XIV	Other(s): <u>[Specify]</u>

13. If additional claims against the Defendants identified in the Brand Master Long Form Complaint are alleged in paragraph 12, the facts supporting these allegations must be pleaded. Plaintiffs assert the following factual allegations against the Defendants identified in the Brand Master Long Form Complaint:

14. Plaintiffs assert the following additional claims and factual allegations against other Defendants (must name defendant and its alleged citizenship):

WHEREFORE, Plaintiffs pray for relief as set forth in the Plaintiffs' Brand Master Long Form Complaint in *In Re Zofran® Products Liability Litigation* in the United States District Court for the District of Massachusetts.

Dated: 5/29/2020

/s/ Thomas A. Ayala
Attorney for Plaintiffs

M. Elizabeth Graham
Thomas V. Ayala
Stephanie S. Riley
123 Justison Street
Wilmington, DE 19801
Tel: (302) 622-7000
Fax: (302) 622-7100
tayala@gelaw.com